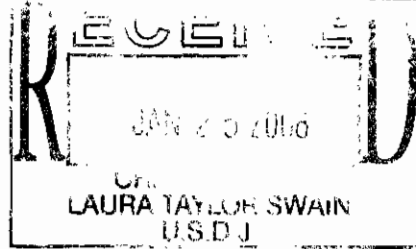


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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

----- X
 FRED FISHER, D.D.S.

Plaintiff,

against

BUILDING SERVICE 32BJ HEALTH FUND

Defendant.
 ----- X

Index No. 07 Civ. 5699 (LTS)(KNF)

**STIPULATION OF
 VOLUNTARY
DISCONTINUANCE**

Fred Fisher, *pro se*, and the undersigned counsel for Building Service 32BJ Health Fund, stipulate:

1. This case and all claims and counterclaims asserted herein are hereby voluntarily discontinued with prejudice, without costs or disbursements to any party; and
2. No person herein is an infant, incompetent person for whom a committee has been appointed or conservatee, and no person not a party has an interest in the subject matter of this action.

Dated: New York, New York
 January 9, 2008

DR. FRED FISHER, *PRO SE*

By: *Fred Fisher*

Fred Fisher, *Pro Se*
 1498 Third Avenue
 New York, New York 10028

PROSKAUER ROSE LLP

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 Barry E. Warner
 1585 Broadway
 New York, New York 10036
Attorneys For Defendant

SO ORDERED:

Copies mailed/faxed to
 Chambers of Judge Swain

*PIA & FAXED to Deft's counsel
 1-25-08*

[Signature] 1/28/2008
 U.S.D.J.